

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES LANG, JR.,

Plaintiff,

Case No. 1:02-cv-121

vs.

JOHN E. POTTER, Postmaster,

Perelman, M.J.

Defendant,

ORDER TO SHOW CAUSE

On February 26, 2004, this Court granted defendant's motion for an extension of time in which to file a motion for summary judgment and directed the Clerk to file the motion. (*See* doc. 17). Under S.D. Ohio Civ. R. 7.2(a)(2), an opposition memorandum "shall be served and filed within twenty-one (21) days from the date of service set forth in the certificate of service attached to the Motion." No opposition memorandum has yet been filed in this case, even though more than twenty-one days have passed since February 23, 2004, the service date referenced in the summary judgment motion (*See* doc. 15).

Plaintiff, therefore, is **ORDERED TO SHOW CAUSE**, in writing and within **FIFTEEN (15) DAYS** of the filing date of this Order, why the motion should not be construed as unopposed, and granted, and this case dismissed. *See Guarino v. Brookfield Township Trustees*, 980 F.2d 399, 404-05 (6th Cir. 1992) (holding that a district court

properly relies upon the facts provided by a moving party when a motion for summary judgment goes unopposed). *See also Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962) (districts courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution); *Walker v. Dallman*, No. 92-3817, 1993 WL 57381 (6th Cir. Mar. 4, 1993) (same).

IT IS SO ORDERED.

Date: 3/30/04

s/David S. Perelman
David S. Perelman
United States Magistrate Judge